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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,189	06/26/2001	David Z. Creemer	PALM-3590	3909

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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,189

Applicant(s)

CREEMER ET AL.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to amendment filed on 02/14/05.

Response to Amendment

2. The examiner has acknowledged the amended claims 1 – 7 and 24 – 30, the new abstract, the new claims 31 – 32, and the cancellation of claims 8 – 23.

Response to Arguments

3. Applicant's arguments with respect to claims 1 – 7 and 24 - 32 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument (page 11, first paragraph), the examiner maintains that McCall does disclose capturing geographically distributed data automatically (see fig. 3, paragraphs 0055 and 0075; McCall discloses sensors work in concert with command or data centers to capture and utilize data. At least one sensor is being used for capturing data in the proximity of a current event or condition. The mobile platforms (716) may be unmanned vehicles, robots, or robotic devices or instruments.

Specification

4. The abstract of the disclosure is objected to because the term " present invention " (page 2, line 11) is redundant. It is suggested to delete such term.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 3, 5 – 6, 24 – 26, 28, and 31 - 32 are rejected under 35 U.S.C. 102(e) as being anticipated by McCall et al (US 2002/0188522; hereinafter McCall).

Regarding claims 1, 5, 24, 28, and 31 - 32, McCall teaches in a computer server connected to a plurality of electronic devices via a wireless communication link (fig. 5), a method of commanding said electronic devices to gather geographically distributed data (para. 0018, and 0032) comprising the steps of selecting a said electronic device (para. 0023; McCall discloses that once someone calls 911 or a news agency, the system will energize every registered digital citizen's resources in the field, near this event); commanding said selected electronic device to capture geographically distributed data (para 0026, lines 1 – 8; McCall discloses that we use the first report to trigger other digital assets in the area to also be on the look out and to begin data collection) and wherein said geographically distributed data is automatically captured by said selected electronic device in response to said commanding (paragraphs 0055 and 0075; McCall discloses that at least one sensor is being used for capturing data in the proximity of a current event or condition (claimed capturing data automatically); receiving said automatically captured geographically distributed data (para. 0026, lines 8 – 12; McCall discloses that the video and/or audio data are sent to a central repository where they are analyzed, repackaged to create value added real-time information of the event in

progress); and storing said received geographically distributed data (para. 0032, lines 12 – 19 and para 0050; McCall discloses that the captured data from the at least one data capture device is simultaneously sent to the centralized and/or distributed command centers with centralized and/or distributed server processing).

Regarding claims 2, 3, 6, McCall further teaches the steps of verifying the identity of selected electronic device; and crediting value to an account corresponding to selected electronic device (para 0027).

Regarding claims 25 and 29, McCall teaches in a computer server connected to a plurality of electronic devices via a wireless communication link (fig. 5), wherein said electronic device is a palm-sized computer system (fig. 5; para. 0048).

Regarding claims 26 and 30, McCall teaches in a computer server connected to a plurality of electronic devices via a wireless communication link (fig. 5), wherein said electronic device is a wireless telephone (fig. 5; para. 0048).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 7, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCall et al (US 2002/0188522; hereinafter McCall) in view of McDonnell et al (US 6,799,032; McDonnell).

Regarding claim 4, McCall et al teaches all the limitations in claim 1, but fails to specifically teach the steps of requesting current location of said selected electronic device; receiving said requested current location from said selected electronic device; skipping further communication with said selected electronic device if said received current location is not within a predetermined geographic area.

However, McDonnell teaches, in an analogous art, a method of providing location data about a mobile entity, which comprises the steps of requesting current location of said selected electronic device; receiving said requested current location from said selected electronic device; skipping further communication with said selected electronic device if said received current location is not within a predetermined geographic area (figs. 2 – 5; col. 3, lines 22 – 55; col. 5, lines 41 – 60; col. 6, lines 4 - 34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McCall's device by requesting current location of said selected electronic device; receiving said requested current location from said

selected electronic device; skipping further communication with said selected electronic device if said received current location is not within a predetermined geographic area as evidenced by McDonnell for the purpose of providing a quality of service data that indicates a desired accuracy limit of location data about the mobile entity and is authenticatable as being sent by the mobile entity.

7. Regarding claims 7 and 27, McCall et al teaches all the limitations in claims 5, 13, and 24, but fails to specifically teach that said transmitted geographically distributed data is encrypted.

However, Mc Donnell teaches, in an analogous art, a method of providing location data about a mobile entity, wherein said transmitted geographically distributed data is encrypted (fig. 7; col. 8, lines 22 – 65).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified McCall's device by encrypting said transmitted geographically distributed data for the purpose of preventing the location data from being altered or substituted without this being detectable.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boris et al (US Patent Number 6,834,285) discloses a computer system for portable digital data capture and data distribution.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

Y.D.
May 07, 2005


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